

City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>



Action Minutes

Monday, February 5, 2018

7:00 PM

Larcom City Hall, 301 E Huron St, Second floor, City Council
Chambers

City Council

CALL TO ORDER

Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:02 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

Mayor Taylor led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: 11 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Anne Bannister

APPROVAL OF AGENDA

A motion was made by Councilmember Krapohl, seconded by Councilmember Warpehoski, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus submitted the following reports for information of Council:

AC-1 [18-0196](#) Response to Resolution R-17-472 - Requesting Staff Review of Mobility in the Lowertown Area
Attachments: Response to R-17-472 Lowertown Area Mobility Study Final.pdf

Received and Filed

AC-2 [18-0203](#) Memorandum from City Administrator: Winter 2018 Deer Management Update
Attachments: 180201 Deer Management Plan Update FINAL.pdf

Received and Filed

AC-3 [18-0235](#) Memorandum from City Administrator: Response to Resolution R-17-237 - Green Fleets Policy Update
Attachments: 180205Green Fleets Policy Update Memo To Council and Policy.pdf

Received and Filed

AC-4 [18-0236](#) City Administrator's Report - February 5, 2018
Attachments: 180205 - City Administrator's Update Final.pdf

Received and Filed

AC-5 [18-0243](#) Memorandum from City Administrator: Rainbow Child Care Site Plan, 2600 Nixon - February 5, 2018
Attachments: 180205 - Memo to Council Rainbow Child Care Site Plan.pdf

Received and Filed

AC-6 [18-0237](#) Agenda Response Memo and eComments - February 5, 2018
Attachments: Agenda Responses 2-5-18.pdf, ecomments_2-5-18.pdf

Received and Filed

INT INTRODUCTIONS

INT-1 [17-1757](#) Proclamation for Youth Poet Laureate of 2017- Zaphra Stupple
Attachments: Zaphra Stupple Youth Poet Laureate 2017 .2.pdf
Mayor Taylor read a proclamation honoring the 2017 Youth Poet Laureate, Zaphra Stupple. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

*** (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. Marta Manildi, 1045 Cedar Bend Dr., Deer Management

Marta Manildi, Ward 1 resident, stated that despite being an animal rights activist and vegetarian, she is supportive of the City's deer cull. Ms. Manildi stated she believes the deer cull is the best policy for the environment in Ann Arbor.

2. Lisa Abrams - Review of the Deer Cull (AC-2)

Lisa Abrams, 2745 Ember Way, spoke about the City's recent deer cull. She stated only 115 deer were killed, 43% of the City's goal. Ms. Abrams stated this is due to the fact that the City has overestimated the deer population. She urged Council to stop this unpopular program.

3. David Esau - CIP Enhanced Projects (CA-17)

David Esau, 210 Collingwood Dr., chair of the City's Public Art Commission, spoke in support of CA-17, and the City's public art program.

4. Jeff Hayner - Public Art Enhancement Recommendations (CA-17)

Jeff Hayner, 1807 Pontiac Tr., spoke in opposition to CA-17, Public Art Enhancement Recommendations, noting that the Percent for Art program was already defeated by Ann Arbor voters on the ballot. He urged Council to pull this item from the Consent Agenda and have a discussion before voting.

5. Jennifer Haines - Co-Policing Commission (DC-2)

Jennifer Haines, 1873 W. Huron River Dr., spoke in support of the demands of Transform Justice Washtenaw.

6. Dwight Wilson - Police Oversight Committee (DC-2)

Dwight Wilson, 1115 Baldwin Ave., stated real police oversight is needed, not just an advisory committee.

7. Andrew Soifer - Oversight Committee for Police (DC-2)

Andrew Soifer, 407 Linda Vista, spoke about his experience with the Ann Arbor Police, stating training in cultural sensitivity is needed.

8. Dan Michniewicz - Police Review Board Task Force (DC-2)

Dan Michniewicz, 1805 Fair St., spoke in support of the resolution to create a police oversight review board task force. He urged Council not to include staff members on the task force.

9. Sargeant Donovan-Smith - Police Review Committee (DC-2)

Sargeant Donovan-Smith, 332 E. William, spoke about the Hillard Heintz study, stating it was written by ex-police. She urged Council to create a true oversight board for the Police Department.

10. Miriam Gleckman - Policing and the Task Force (DC-2)

Miriam Gleckman, 121 Fieldcrest, Apt. 104, spoke on behalf of Transforming Justice Washtenaw. She expressed concern about the process for selecting task members.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER ACKERMAN

Councilmember Ackerman updated Third Ward residents regarding the RRFB installation at Easy Street and Packard Road, stating it would be installed in the spring.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy spoke about the residents who have advocated for Police oversight. She stated she is proud of the activism of Ann Arbor residents. She urged residents to continue to be on the right side of history.

She stated there will be a meeting at the Traverwood Branch of the Ann Arbor District Library, regarding the Broadway development project. The meeting will be held on Friday.

COUNCILMEMBER LUMM

Councilmember Lumm stated a meeting would be held regarding the number of power outages in the area between Washtenaw, Hill and Geddes. The meeting will be held this Thursday, February 8 at Tappan Middle School. DTE will update residents on its tree trimming plans and pole replacement. Engineers and tree trimming staff will be present.

COUNCILMEMBER GRAND

Councilmember Grand stated she will miss the next Council meeting due to an out-of-town work obligation.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski spoke about the One Community initiative, a partnership between the City of Ann Arbor and Washtenaw County. He stated the One Communitive initiative is working with GARE, the Government Alliance on Race and Equity.

COUNCILMEMBER BANNISTER

Councilmember Bannister updated Council on an upcoming community meeting on February 21 from 6-8 pm at Arrowwood Community Center, sponsored by the Poor People's Campaign, a national campaign challenging racism and encouraging a moral revival.

MC COMMUNICATIONS FROM THE MAYOR**MC-1** [18-0066](#) Nominations - Confirmations*APPOINTMENTS APPROVED*

Mayor Taylor requested confirmation of the following appointments that were presented to Council at the January 16, 2018 Regular Session:

Elizabeth Dean Fund

*Susan Perry
1708 Fair Street
Ann Arbor, MI 48103
Term: Ending May 31, 2019*

Housing and Human Services Advisory Board

*Paul Sher -Filling remaining term of Will Leaf (Resigned)
Member at-large
713 Miner St.
Ann Arbor, MI 48103
Term: Ending May 31, 2018*

*Floria Tsui -Partial term
Youth Representative
6518 Wisteria Trace
Ann Arbor, MI 48103
Term: Ending May 31, 2018*

Zoning Board of Appeals

*Charlotte Wilson -Filling remaining term of Heather Lewis (Resigned)
Urban Planner
1582 Jones Dr.
Ann Arbor, MI 48105
Term: Ending May 31, 2018*

A motion was made by Councilmember Smith, seconded by Councilmember Krapohl, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

MC-2 [18-0240](#) Resolution to Appoint Rachel Hawkins to the Commission on Disability Issues

(7 Votes Required)

Sponsors: Taylor

Attachments: Rachel Hawkins app. 2017.pdf

REFERRED

Mayor Taylor presented the Resolution for approval at a later date.

Referred to the City Council due back on 2/20/2018.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following Consent Agenda item was removed from the Consent Agenda and placed at the end of New Business, Staff:

CA-17, Resolution to Approve Public Art Enhancement Recommendations for FY2019-FY2024 Capital Improvement Projects

Passed on consent agenda

A motion was made by Councilmember Krapohl, seconded by Councilmember Warpehoski, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirements of CA-18 and CA-21.

CA-1 [17-1928](#) Resolution to Approve Street Closings for the Ann Arbor Marathon Running Event - Sunday, May 20, 2018

Attachments: AA Marathon 2018 Map, AA-Marathon-v1.pdf, Communication Plan-2018 (002).pdf

Enactment No: R-18-014

CA-2 [18-0162](#) Resolution to Approve Street Closings for the Shamrocks and Shenanigans 5K Run/Walk - Sunday, March 13, 2018

Attachments: Shamrocks and Shenanigans Map.pdf, Shamrocks Barricade Map

Enactment No: R-18-015

- CA-3** [18-0168](#) Resolution to Approve Street Closings for the 2018 Take Back the Night (Rally and March) - Thursday, April 5, 2018

Attachments: Take Back The Night Map

Enactment No: R-18-016

- CA-4** [18-0156](#) Resolution to Permanently Relocate the Polling Place for Precinct 1-9 from Clague Middle School, 2616 Nixon Road, to Logan Elementary School, 2685 Traver Boulevard, for all Future City Elections and to Establish Permanent Polling Locations for New Precincts 1-11, 1-12, 3-10 and 5-12

Sponsors: Election Commission

Attachments: Proposed Precinct 1-9 Map.pdf, Proposed Precinct 1-11 Map.pdf, Proposed Precinct 1-1 Map.pdf, Proposed Precinct 1-12 Map.pdf, Proposed Precinct 3-3 Map.pdf, Proposed Precinct 3-4 Map.pdf, Proposed Precinct 3-7 Map.pdf, Proposed Precinct 3-10 Map.pdf, Proposed Precinct 5-11 Map.pdf, Proposed Precinct 5-12 Map.pdf

Enactment No: R-18-017

- CA-5** [18-0136](#) Resolution to Name the Property Transferred to City of Ann Arbor from the Joseph Donald Brokaw and Earldine R. Brokaw Foundation as “Brokaw Nature Area”

Attachments: Brokaw Protected Updated Map.pdf

Enactment No: R-18-018

- CA-6** [18-0131](#) Resolution to Name the Property Purchased from BRE Nixon Road Associates, LLC as “Oakwoods Nature Area” and Combine the Property with the Existing Adjacent Oakwoods Nature Area

Attachments: Nixon NE Location Map.pdf

Enactment No: R-18-019

- CA-7** [18-0135](#) Resolution to Name the Property Purchased from Janice Onder as “Onder Nature Area”

Attachments: Onder_protectedlands.pdf

Enactment No: R-18-020

- CA-8** [18-0015](#) Resolution to Recommend Approval of a Contract with Aquatic Source, LLC for the Veterans Park Pool Mechanical Improvements Project (\$240,000.00, ITB No. 4520)

Attachments: ITB 4520 Contract Documents, ITB 4520 Bid Tabulation

Enactment No: R-18-021

- CA-9** [17-2004](#) Resolution to Approve the Purchase of Golf Course Maintenance Equipment from Spartan Distributors (NIPA - \$140,392.08)

Attachments: Golf Equip Quote 121117r Spartan.pdf

Enactment No: R-18-022

- CA-10** [18-0149](#) Resolution to Approve a Three-Year Professional Services Agreement (PSA) for Playground Improvement Services for Parks & Recreation for a Not to Exceed Annual Amount of \$150,000.00

Attachments: RFP_18-01_Document.pdf, RFP_18-01_Addendum1.pdf, PROPOSAL_MichiganRecreational.pdf, RFP 18-01_MRC Draft Contract.pdf

Enactment No: R-18-023

- CA-11** [17-2124](#) Resolution to Approve the Purchase of Six Police Patrol Vehicles from Jorgensen Ford (State of Michigan MiDeal - \$171,360.00)

Attachments: Police Patrol Bid Tab 2018.pdf

Enactment No: R-18-024

- CA-12** [17-2125](#) Resolution to Approve the Purchase of Four Vehicles from Signature Ford (Macomb County Bid - \$102,957.00)

Attachments: Signature Bid Tab 2018.pdf

Enactment No: R-18-025

- CA-13** [17-2126](#) Resolution to Approve the Purchase of Vehicles from Berger Chevrolet (Oakland County Bid - \$156,880.00)

Attachments: Berger Bid Tab 2018.pdf

Enactment No: R-18-026

- CA-14** [18-0018](#) Resolution to Approve the Purchase of a Vehicle from Jim Riehl's Friendly Chrysler Jeep (Oakland County Bid - \$26,997.00)

Attachments: Jim Riehl Bid Tab 2018.pdf

Enactment No: R-18-027

- CA-15** [18-0029](#) Resolution to Approve an Amendment to the Purchase Order with Harper Electric Inc., for On-Call Electrical Services (Not to Exceed \$15,000.00)

Attachments: Electrical Quotes FY2018.pdf, 2015 PO Terms.pdf

Enactment No: R-18-028

- CA-16** [18-0034](#) Resolution to Authorize the Purchase of Vehicle and Equipment Motor Oil for the City's Fleet for Five Years Beginning FY2018

Enactment No: R-18-029

- CA-18** [17-2105](#) Resolution to Approve a Services Agreement with Speed Tech Equipment for MRF Horizontal Conveyor Repair and Preventative Maintenance and Appropriate Funds (\$60,281.00) **(8 Votes Required)**

Enactment No: R-18-030

- CA-19** [18-0008](#) Resolution to Award a Construction Contract to TSP Services, Inc. (Bid No. 4517) for the First Sister Lake Stormwater Retrofit (\$279,857.50)

Attachments: ITB 4517 Bid Summary.pdf, TSP bid submittal.pdf

Enactment No: R-18-031

- CA-20** [18-0011](#) Resolution to Approve Amendment No. 3 to the Professional Services Agreement with Environmental Consulting and Technology, Inc. for the Sister Lakes Stormwater Retrofit Project Engineering Design Services (up to \$30,000.00)

Attachments: ECT Amendment #3 61897 .pdf, ECT Amend 3 Exhibits.pdf

Enactment No: R-18-032

- CA-21** [17-1883](#) Resolution to Approve and Appropriate Transportation Alternative

Program Project Funding for the Allen Creek Railroad Berm Opening Project (\$971,250.00/\$614,255.00) **(8 Votes Required)**

Attachments: Allen Creek Berm Site Plan Nov 2017.pdf

Enactment No: R-18-033

CA-22 [18-0016](#) Resolution to Approve a Contract with Kiser Hydro LLC for, for Barton Dam Hydroturbine: 10-year Inspection and Overhaul - ITB #4467 (\$542,858.00)

Attachments: ITB_4467_BidTab.pdf, ITB_4467_Barton Turbine Overhaul_Contract_Jan2018.pdf, compliance forms_separate.pdf

Enactment No: R-18-034

CA-23 [18-0017](#) Resolution to Approve a Professional Services Agreement with GEI Consultants of Michigan, P.C. for the Hydroelectric Dams FERC Part 12 Inspection and Report - RFP #17-31 (\$118,500.00)

Attachments: RFP_17-31_ProposalTab.pdf, RFP_17-31_Document.pdf, PSA_GEI_Jan2018.pdf

Enactment No: R-18-035

CA-24 [18-0059](#) Resolution to Approve a Professional Services Agreement with Nova Environmental, Inc. ("Nova") for Asbestos and Lead Consulting ("Consulting Services") and Contractor-Oversight and Air-Monitoring Services (RFP #17-26, NTE \$75,000.00)

Attachments: PSA with Nova - Final.pdf

Enactment No: R-18-036

CA-25 [18-0065](#) Resolution to Approve January 25, 2018 Recommendations of the Board of Insurance Administration

Attachments: 2018-19 Insurance Premium Summary.pdf

Enactment No: R-18-037

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [17-1726](#) Resolution to Approve Rainbow Child Care Site Plan, 2600 Nixon (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Attachments: Rainbow Staff Report with Attachments10-3-17-rev3.pdf, Rainbow Revised Landscape Plan, Petition Against Rainbow Childcare Center.pdf

A public hearing was conducted on the proposed Resolution to Approve Rainbow Child Care Site Plan, 2600 Nixon. Notice of public hearing was published December 7, 2017 and January 29, 2018.

The following persons were present to speak at the public hearing:

Christine Stead, President of the Ann Arbor School Board of Education, spoke in opposition, stating concern for the number of AAPS students walking to school in this area.

Liz Margolis, Executive Director of Student and School Safety for the AAPS, spoke in opposition, stating student safety concerns. She thanked the City Administrator for engaging the schools.

A resident of the nearby Bromley neighborhood spoke in opposition.

Margaret Baker, Clague School PTSO president, spoke in opposition and stated the petitioner misrepresented facts.

Grant Shafer, Pittsfield Township resident, spoke in opposition to for-profit schools.

A City resident stated her child was hit walking to Thurston and stated the City needs to consider traffic in this area and student safety.

Jeff Hayner, resident, expressed concerns about traffic in the area.

There being no further comment, the Mayor declared the hearing closed.

Held and Closed

A APPROVAL OF COUNCIL MINUTES

A-1 [18-0173](#) Work Session of January 12 and Regular Session Meeting Minutes of January 16, 2018

Attachments: 01-12-18 Draft Minutes.pdf, 01-16-18 Draft Minutes.pdf, Council emails 1-16-18.pdf

A motion was made by Councilmember Ackerman, seconded by Councilmember Krapohl, that the Minutes of the Work Session of January 12 and Regular Session Meeting Minutes of January 16, 2018 be approved. On a

voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

C New Business - Staff:

- C-1** [18-0064](#) An Ordinance to Amend Section 1:17 of Chapter 1 (Adoption, Contents and Interpretation) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-18-02)
- Attachments:** 18-02 Ordinance amendment Chapter 1-17.pdf, Ordinance amendment Chapter 1-17.pdf
- (The complete copy of the text of Ordinance No. ORD-18-02 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Grand, seconded by Councilmember Ackerman, that the Ordinance be approved on First Reading to the City Council and should be returned by 2/20/2018. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-18-02

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1** [18-0185](#) Resolution to Approve Partial Prohibition of On-Street Parking on Waldenwood Drive from Penberton Drive to a Point 330 Feet North
- Sponsors:** Lumm and Westphal
- A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-18-038

DC-2 [18-0197](#) Resolution Creating an Advisory Task Force to Make Recommendations Regarding the Roles and Responsibilities of a Community Policing Commission

Sponsors: Taylor and Warpehoski

A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that the Resolution be approved.

Enactment No: R-18-039

Councilmember Eaton proposed an amendment to add the word, "make" as follows in the Second RESOLVED Clause:

...Report and MAKE Recommendations regarding....

The amendment was considered friendly.

Amended

Enactment No: R-18-039

Mayor Taylor declared a recess at 8:52 p.m. and reconvened the meeting at 9:05 p.m.

[18-0197](#) Resolution Creating an Advisory Task Force to Make Recommendations Regarding the Roles and Responsibilities of a Community Policing Commission

Sponsors: Taylor, Warpehoski and Eaton

Councilmember Eaton moved the following amendment, supported by Councilmember Kailasapathy:

First RESOLVED Clause:

Employees of the City of Ann Arbor will not be eligible to serve on the task force.

*Councilmember Lumm suggested the following friendly amendment to the amendment-
"Employees of the City of Ann Arbor will not be eligible to serve as VOTING MEMBERS of the task force."*

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Resolution be amended as follows:

**Add Sentence to First RESOLVED Clause (including friendly amendments):
Employees of the City of Ann Arbor will not be eligible to serve as voting members of the task force.**

On a roll call, the vote was as follows with the Mayor declaring the motion

carried:

Yeas: 6 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Ackerman and Councilmember Bannister

Nays: 5 - Councilmember Lumm, Mayor Taylor, Councilmember Krapohl, Councilmember Westphal and Councilmember Smith

Enactment No: R-18-039

Councilmember Eaton moved the following language to add to the First RESOLVED Clause:

Potential members for the task force will be confirmed by the Human Rights Commission before they are submitted to City Council.

Replace [confirmed] with RECOMMENDED

Note: All CAPS indicate new language Brackets [] indicate deleted language.

Councilmember Warpehoski proposed the following amendment to the amendment, which was considered friendly:

The City Administrator will provide the names of potential members of the task force to the Human Rights Commission for review and recommendation, and the Commission's recommendations will accompany the Mayor's nominations presented to Council for confirmation and appointment.

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Resolution be amended as follows, with friendly amendments by Councilmember Warpehoski:

Add new sentence to end of First RESOLVED Clause:

The City Administrator will provide the names of potential members of the task force to the Human Rights Commission for review and recommendation, and the Commission's recommendations will accompany the Mayor's nominations presented to Council for confirmation and appointment.

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 6 - Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

Nays: 5 - Councilmember Lumm, Councilmember Kailasapathy, Mayor Taylor, Councilmember Krapohl and Councilmember Westphal

Enactment No: R-18-039

A motion was made by Councilmember Eaton, seconded by Councilmember

Kailasapathy, that the Resolution be amended as follows:

Amend First RESOLVED Clause as follows (ALL CAPS indicates new language):

(3) Designate staff with the appropriate skills, knowledge, and seniority to assist the task force. Such staff may include but are not limited to representation from the Police Department, Finance Department, and City Attorney's Office.

Add the following:

STAFF SUPPORT WILL BE PROVIDED AS REQUESTED BY THE TASK FORCE;

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Nays: 8 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: R-18-039

Councilmember Eaton moved the following amendment, supported by Councilmember Kailasapathy:

Amend Second RESOLVED Clause:

...Policing Practices

Receive periodic reports and review PERTINENT PUBLIC AND/OR CONFIDENTIAL [publicly available data] regarding policing practices (e.g. hiring, discipline, budget, staffing, complaints, training and compliance).

Councilmember Grand suggested the following amendment to the amendment, which was considered friendly:

Remove [Public and/or confidential]

ALL CAPS indicates new language. [Brackets] indicate deleted language.

The amendment as further amended was considered friendly by the Body.

Amended

Enactment No: R-18-039

A motion was made by Councilmember Eaton, supported by Councilmember Kailasapathy, that the Resolution be amended as follows:

Second RESOLVED Clause:

Policing Practices

Add new last Sentence:

RECEIVE POLICE DEPARTMENT POLICIES AND RELATED FORMS FOR PURPOSES OF REVIEW AND EVALUATION.

The amendment was considered friendly by the Body.

Amended

Enactment No: R-18-039

Councilmember Eaton moved the following amendment, supported by Councilmember Kailasapathy:

Second RESOLVED Clause

Incident Review

Delete:

[Create and implement procedure and criteria to receive civilian complaints and timely forward them to AAPD for review.]

Replace:

CREATE AND IMPLEMENT PROCEDURE AND CRITERIA TO RECEIVE CIVILIAN COMPLAINTS AND CONDUCT AN INDEPENDENT INVESTIGATION WITH THE ASSISTANCE OF STAFF AS REQUESTED. THE COMMISSION WILL OPERATE WITH THE AUTHORITY TO ENGAGE AS AN INDEPENDENT, TRANSPARENT CIVILIAN REVIEW COMMISSION.

ALL CAPS indicates new language. [Brackets] indicate deleted language.

Councilmember Warpehoski proposed, seconded by Councilmember Ackerman, an amendment to the amendment as follows:

Replace new language as follows:

CREATE AND IMPLEMENT PROCEDURE AND CRITERIA TO RECEIVE CIVILIAN COMPLAINTS.

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the Amendment as proposed be amended further as follows:

Replace Proposed Amended language:

CREATE AND IMPLEMENT PROCEDURE AND CRITERIA TO RECEIVE CIVILIAN COMPLAINTS

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

- Yeas:** 8 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith
- Nays:** 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Enactment No: R-18-039

The question being, the amendment moved by Councilmember Eaton, seconded by Councilmember Kailasapathy, and further amended as follows:

Second RESOLVED Clause

Incident Review

Delete:

[Create and implement procedure and criteria to receive civilian complaints and timely forward them to AAPD for review.]

Replace:

CREATE AND IMPLEMENT PROCEDURE AND CRITERIA TO RECEIVE CIVILIAN COMPLAINTS.

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

- Yeas:** 7 - Councilmember Lumm, Councilmember Warpehoski, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith
- Nays:** 4 - Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor and Councilmember Bannister

Enactment No: R-18-039

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Resolution be amended as follows:

Second RESOLVED Clause:

Commission Membership

[Membership number and qualifications to ensure broad experience and representation of the community.]

Add:

MEMBERS OF THE COMMISSION SHOULD REPRESENT A BROAD CROSS SECTION OF THE COMMUNITY THAT INCLUDES INDIVIDUAL RESIDENTS FROM COMMUNITIES MOST IMPACTED BY POLICING, AS WELL AS REPRESENTATIVES FROM RELEVANT FIELDS SUCH AS MENTAL HEALTH, RESTORATIVE JUSTICE, AND SOCIAL WORK. MEMBERS OF THE COMMISSION SHOULD BE RESIDENTS OF THE CITY OF ANN ARBOR WHO ARE NOT EMPLOYED BY THE CITY.

ALL CAPS indicate new language. [Brackets] indicate deleted language.

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 6 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Ackerman and Councilmember Bannister

Nays: 5 - Councilmember Lumm, Mayor Taylor, Councilmember Krapohl, Councilmember Westphal and Councilmember Smith

Enactment No: R-18-039

The question being the Resolution as amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: R-18-039

DC-3 [18-0213](#) Resolution Authorizing the City of Ann Arbor to Seek Permission from the Michigan Supreme Court to file an Amicus Brief in *Michigan Gun Owners, Inc v Ann Arbor Public Schools* (Docket No. 155196)

Sponsors: Taylor, Grand, Krapohl, Westphal and Warpehoski

A motion was made by Councilmember Grand, seconded by Councilmember Krapohl, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-18-040

DC-4 [18-0239](#) Resolution Recognizing Parent Teacher Organization Forsythe Junior High School as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Sponsors: Warpehoski and Smith

A motion was made by Councilmember Warpehoski, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the

Mayor declared the motion carried.

Enactment No: R-18-041

- DC-5** [18-0244](#) Resolution Recognizing Ann Arbor Pioneer Booster Club as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Sponsors: Eaton and Krapohl

A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-18-042

- DB** **New Business - Boards and Commissions:**

- DB** **Unfinished Business:**

- DB-1** [17-1726](#) Resolution to Approve Rainbow Child Care Site Plan, 2600 Nixon (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Attachments: Rainbow Staff Report with Attachments10-3-17-rev3.pdf, Rainbow Revised Landscape Plan, Petition Against Rainbow Childcare Center.pdf

Councilmember Lumm moved, seconded by Councilmember Westphal, that the Resolution be approved.

Councilmember Lumm requested staff and the Planning Commission consider the following:

Revisit the traffic study and look at access to the site and consider a special exception use.

Councilmember Westphal questioned if a new citizen participation meeting would take place at the Planning Commission. He suggested if access changes to the site, a new meeting should be held.

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be referred to the Planning Commission, City. On a voice vote, the Mayor declared the motion carried.

- DS** **Unfinished Business - Staff:**

DS-1 [17-1918](#) Resolution to Approve Construction of an Additional Drive Approach on Huron Parkway, South of Hubbard Street to Service the DTE Apex Substation

Attachments: City of AA Letter for Curb Cut-Final.pdf, 1964 Huron Parkway.pdf, DTE-Apex driveway_location map.pdf

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be approved.

Enactment No: R-18-043

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be amended as follows:

Amend First RESOLVED Clause:

...RESOLVED, That City Council approve the proposed curb cut on the West side of Huron Parkway approximately 584 feet South of Hubbard Road to service the new DTE Apex Substation with the following conditions:

- 1) Final landscaping plantings screening the Apex Station from Huron Parkway are to be reviewed by City and University of Michigan staff with final approval by the City's Urban Forestry & Natural Resources Planning Coordinator,**
- 2) The landscaping plantings installed within the Huron Parkway right-of-way and on the land adjacent to the APEX substation and substation access road will be maintained by the University of Michigan in a healthy condition such that the vegetation and screening objectives of its installation are achieved. ...**

On a voice vote, the Mayor declared the motion carried.

Enactment No: R-18-043

[17-1918](#) Resolution to Approve Construction of an Additional Drive Approach on Huron Parkway, South of Hubbard Street to Service the DTE Apex Substation

Attachments: City of AA Letter for Curb Cut-Final.pdf, 1964 Huron Parkway.pdf, DTE-Apex driveway_location map.pdf

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be approved as amended. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-18-043

CA-17 [17-2103](#) Resolution to Approve Public Art Enhancement Recommendations for FY2019-FY2024 Capital Improvement Projects

Attachments: A2PAC CIP Public Art Enhancement Recommendations1-4-18.pdf

A motion was made by Councilmember Ackerman, seconded by Councilmember Smith, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 7 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Nays: 4 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Enactment No: R-18-044

DS New Business - Staff:

None.

E COMMUNICATIONS FROM THE CITY ATTORNEY

None.

F & G CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

F The following communications were referred as indicated:

Passed on consent agenda

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.

F-1 [18-0062](#) Reporting Requirement to the State of Michigan under PA202 of 2017 Regarding the City's Pension and OPEB Funding Status

Attachments: Pension_and_OPEB__Reporting_City of Ann Arbor-812010.pdf

F-2 [18-0063](#) Resignation of Sava Farah from the Downtown Development Authority

Attachments: Resignation of Sava Farah from the DDA.pdf

F-3 [18-0068](#) Communication from Gregory J. Fioritto of Zelmanski, Danner & Fioritto, PLLC regarding Northside Parking RPP Permit Denials to Residents of The Crossings of Ann Arbor Condominium City Council File No. 16-0958

Attachments: The Crossings of Ann Arbor Condominium Communication.pdf

F-4 [18-0084](#) Review of Mobility in the Lowertown Area

Attachments: Resolution Requesting Staff Review of Mobility in the Lowertown Area.pdf, lower.town.mobility.study.draft.scope_2018.01.12.pdf, Lowertown Mobility Study_Transportation Commission Recommendations.pdf

F-5 [18-0138](#) Fourth Quarter 2017 Investment Portfolio Report

Attachments: Investment Portfolio Report 12-31-17.pdf

F-6 [18-0139](#) Resignation of Albert Blixt from the Commission on Disability Issues

Attachments: Albert Blixt - Resignation from the Commission on Disability Issues.pdf

F-7 [18-0151](#) Communication from Stephanie Willet, Market Manager regarding the Resignation of Joel Ponazzo from the Public Market Advisory Commission Effective February 15, 2018

Attachments: Joe Ponazzo Resignation Email Notification.pdf

F-8 [18-0154](#) Communication from Lay Shalabi regarding Resignation from the Human Rights Commission Effective January 22, 2018

Attachments: Luay Shalabi Resignation from HRC Email.pdf

F-9 [18-0170](#) Boards and Commissions Report with Highlighted Expiration Dates for all Members of City Boards and Commissions

Attachments: Boards and Commissions report of expiration dates for 2018.pdf

F-10 [18-0181](#) Communication from the Secretary of State regarding receipt and filing on May 15, 2017, Establishing Regular City Elections in November of Each Even-Year Commencing with City Election in 2018

Attachments: Communication from Secretary of State regarding City Elections.pdf

F-11 [18-0190](#) Pittsfield Township Planning Commission Public Hearing Notice
Scheduled for February 15, 2018 - Planning and Development Services
Attachments: Pittsfield Township Planning Commission Public Hearing Notice.pdf

G **The following minutes were received for filing:**

G-1 [17-0998](#) Zoning Board of Appeals Meeting Minutes of April 26, 2017
Attachments: 4-22-2017 Meeting Minutes.pdf

G-2 [17-0999](#) Zoning Board of Appeals Meeting Minutes of May 24, 2017
Attachments: 5-24-17 Meeting Minutes with Live links.pdf

G-3 [18-0002](#) LDFA Special Board Meeting Minutes - December 14, 2017
Attachments: LDFA Board Meeting Minutes - December 14, 2017.pdf

G-4 [18-0031](#) Downtown Development Authority Board and Partnership, Executive, and
Capital Improvements Committees Meeting Minutes from December
2017
Attachments: DDA Minutes December 2017

G-5 [18-0035](#) Downtown Area Citizens Advisory Council Meeting Minutes for October
31, 2017
Attachments: CAC Minutes October 2017

G-6 [18-0036](#) Downtown Area Citizens Advisory Council Meeting Minutes for January
2, 2018
Attachments: CAC Minutes January 2018

- G-7** [18-0039](#) Local Development Financial Advisory Board Special Meeting Minutes - January 4, 2018
Attachments: Special LDFA Board Minutes - January 4, 2018.pdf
- G-8** [18-0067](#) Council Liquor License Review Committee Meeting Minutes of August 4, 2017
Attachments: 08-04-17 liquor committee minutes.pdf
- G-9** [18-0081](#) Ann Arbor Housing Commission Board Minutes November 29, 2017
Attachments: AAHC Board Minutes 11.29.2017.pdf
- G-10** [18-0086](#) Local Development Finance Authority Board Special Meeting Minutes - January 11, 2018
Attachments: LDFA Board Meeting Minutes - January 11, 2018.pdf
- G-11** [18-0127](#) Ann Arbor Board of Review Meeting Minutes of December 12, 2017
Attachments: 2017 DECEMBER BOARD OF REVIEW MINUTES 12-12-2017 MEETING 1-5-18r.pdf
- G-12** [18-0174](#) Council Rules Committee Meeting Minutes of February 23 and May 25, 2017
Attachments: Council Rules Committee Minutes 2-23-17.pdf, Council Rules Committee Minutes 5-25-17.pdf
- G-13** [18-0177](#) Insurance Board Meeting Minutes - January 25, 2018
Attachments: Insurance Board Minutes 012518.pdf
- G-14** [18-0207](#) Council Administration Committee Minutes - October 16, 2017
Attachments: Admin Committee Minutes 10-16-17.docx
- G-15** [18-0208](#) Council Administration Committee Minutes - November 20, 2017

Attachments: Admin Committee Minutes 11-20-17.DOCX

G-16 [18-0209](#) Council Administration Committee Meeting Minutes - December 18, 2017

Attachments: Admin Committee Minutes 12-18-17.docx

G-17 [18-0193](#) Council Policy Agenda Committee meeting minutes for January 30, 2018

Attachments: 18.01.31 Council Policy Agenda Committee meeting minutes.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Ben Hansen, resident, spoke in support of DC-2, Resolution Creating an Advisory Task Force to Make Recommendations Regarding the Roles and Responsibilities of a Community Policing Commission

Ryan Hiesler, west side resident, spoke about the contradictory idea of placing police officers in public schools and the opposition to guns in schools, stating some students find the police threatening.

Ed Vielmetti, Ward 4, thanked staff and members of the Council Liquor License Review Committee for the transparency in this year's license renewal process and allowing the community a chance to participate in the discussion.

Sargeant Donovan-Smith, resident, spoke in opposition to the City Council's discussion and process regarding a Community Policing Commission. She objected to the process of proposing and approving amendments at tonight's meeting that were not accessible to the public.

An unidentified Pioneer High School thanked Councilmember Kailasapathy and Councilmember Eaton for their work on the Community Policing Commission task force resolution. He also thanked Mayor Taylor and Councilmember Ackerman. He urged Council not to put police in schools.

An unidentified resident spoke about his experience with the AAPD and getting help for his partner.

Jeff Hayner, Pontiac Trail, urged Council and City staff to listen to the public regarding their concerns with the Police Department's relationship with the community. He also spoke in opposition to the City's public art process.

COMMUNICATIONS FROM COUNCIL

None.

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PURCHASE OR LEASE OF REAL PROPERTY, PENDING LITIGATION AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (D) (E), AND (H).

A motion was made by Councilmember Warpehoski, seconded by Councilmember Eaton, that Council enter into Closed Session under the Michigan Open Meetings Act to discuss pending litigation and attorney/client privileged communication as set forth in MCLA 15.268 (E) and (H). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 12:08 a.m.:

Yeas: 11 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Smith, seconded by Councilmember Warpehoski, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 12:20 a.m.

ADJOURNMENT

A motion was made by Councilmember Westphal, seconded by Councilmember Lumm, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:20 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, FEBRUARY 5, 2018 AT 7:00 P.M.

REPLAYS: WEDNESDAY, FEBRUARY 7, 2018 @ 8:00 A.M. AND FRIDAY, FEBRUARY 9, 2018 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

CTN's Government Channel live televised public meetings can be viewed in a variety of ways:

Live Web streaming or Video on Demand: <https://a2ctn.viebit.com>

Cable: Comcast Cable channel 16 or AT&T UVerse Channel 99

All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to:

City Clerk's Office
301 E. Huron St.
Ann Arbor, MI 48104

Requests made with less than two business days' notice may not be able to be accommodated.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's Office.